

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELOHIM EPF USA, INC., a California Corporation, } Case No.: 1:19-cv-02431 (PKC) (SDA)  
Plaintiff, } [Hon. P. Kevin Castel, Ctrm 11D]  
vs. }  
162 D & Y CORP., a New York corporation d/b/a FLOWER KARAOKE, *et al.* }  
Defendants. }

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Plaintiff Elohim EPF USA, Inc. (“Elohim”) filed a Complaint in the above-captioned matter for direct copyright infringement, contributory copyright infringement, vicarious copyright infringement, and inducing copyright infringement against defendants 162 D & Y Corp. d/b/a Flower Karaoke (“Flower Karaoke”), Y & P Bayside Corp. d/b/a Happy Karaoke (“Happy Karaoke”), Musicbox KTV, Inc. d/b/a Music Box K-TV (“Music Box K-TV”), SS Noblesse House, Inc. d/b/a Noblesse House (“Noblesse House”), Place of Happy & Lucky, Inc. d/b/a The King Karaoke (“The King Karaoke”), YS2 Enterprises, Inc. d/b/a CEO Business Club (“CEO Business Club”), Sagwa Namoo, Inc. d/b/a Sagwa

1 Namoo (“Sagwa Namoo”), Open Karaoke Corp. d/b/a Open Karaoke (“Open  
 2 Karaoke”), Base Karaoke, Inc. d/b/a Base Karaoke (“Base Karaoke”), Sing Sing  
 3 Bell, Inc. d/b/a Christmas Karaoke (“Christmas Karaoke”), M & S. Music Studio,  
 4 Inc. d/b/a Gagopa Karaoke (“Gagopa Karaoke”), Bizmax NY, Inc. d/b/a Wow  
 5 Karaoke (“Wow Karaoke”), Norae Hahnun JIB dba Open Karaoke (“Open”),  
 6 Sweetie & VIP, Inc. dba I Luv Luxury Room (“Sweetie”), and G S Global Corp.  
 7 dba Red (“Red”) (collectively, the “Establishment Defendants”), Dong Hyun Ha  
 8 (“Ha”), Phil Sook Cho (“Cho”), Hyun Hak Yi (“Yi”), Kyung Soon Nam (“Nam”),  
 9 Anthony Kim (“A. Kim”), , Ku Ho You (“You”), Dong Hun Kim (“D. Kim”, Jin E.  
 10 An (“An”), Hye Kyung Han (“Han”), and Li Beom Kim (“L. Kim”) (collectively,  
 11 the “Individual Defendants”). Collectively, the Establishment Defendants and the  
 12 Individual Defendants are the “Defendants.” Elohim also filed the same claims  
 13 against defendants Whitestone Bell, Inc. d/b/a I Luv Luxury Room, Kyung A.  
 14 Chung, and Winnie H. Chung.

15 On July 14, 2023, the matter was called to a bench trial. Plaintiff and  
 16 Defendants appeared by their respective attorneys of record. At the trial, Elohim  
 17 consented to dismissal with prejudice of the claims against Whitestone Bell, Inc.  
 18 d/b/a I Luv Luxury Room, Kyung A. Chung, and Winnie H. Chung.

19 On December 18, 2023, the Court issued its Opinion and Order Findings of  
 20 Fact and Conclusions of Law [ECF 369] (the “Opinion”). The Court made the  
 21 following findings of fact and conclusions of law:

22 A. Elohim asserts that the defendant karaoke establishments have  
 23 infringed its registered copyrights for seven musical compositions: “So  
 24 Cool,” “Push Push,” “Sal Man Jji Go,” Ni Kka Jit Ge,” “Ga Sik Geol,”  
 25 Bae A Pa,” and “Hot Boy” (the “Disputed Works”).” [Opinion,  
 26 Findings of Fact ¶ 1].

1           B. Elohim proved by a preponderance of the evidence that the Defendants  
2           are liable for direct infringement of Elohim's performance rights and  
3           display rights over the Disputed Works. [Opinion, Conclusions of  
4           Law ¶ 34].

5           C. "Elohim has proved by a preponderance of the evidence that the  
6           [I]ndividual [D]efendants are vicariously liable for any infringement  
7           activity that occurred at the defendant establishments." [Opinion,  
8           Conclusions of Law ¶ 38].

9           D. "The Court will award statutory damages to Elohim in the amount of  
10          \$3,500 per work infringed, to be awarded jointly and severally against  
11          each defendant karaoke establishment and each individual defendant  
12          sued in his or her capacity as the establishment's owner." [Opinion,  
13          Conclusions of Law ¶ 56].

14          E. "The record in this case requires "Ni Kka Jit Ge," "Ga Sik Geol," "So  
15          Cool," and "Push Push" to be treated as 'one work' for the purpose of  
16          awarding statutory damages. Statutory damages will therefore be  
17          awarded once for the infringing use of any of the four songs. Separate  
18          statutory damages will be awarded for the infringing use of each of  
19          "Bae A Pa," "Hot Boy," and "Sal Man Jji Go." [Opinion, Conclusions  
20          of Law ¶ 64].

21          F. Elohim did not prove contributory infringement against any Defendant.  
22          [Opinion, Conclusions of Law ¶ 36].

23          G. Elohim did not prove inducement of copyright infringement against the  
24          Defendants. [Opinion, Conclusions of Law ¶ 40].

25           The Court has considered the evidence presented at trial and the Court's  
26          previous orders and rulings, including but not limited to the Court's Order granting  
27          Elohim's motion for default judgment against Open, Sweetie, and Red [ECF 306].  
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1 Accordingly, the Court has determined that a Final Judgment is proper on the terms  
2 stated herein:

3 It is therefore, **ORDERED, ADJUDGED AND DECREED** that:

4 **I. Damages Awards**

5 A. Elohim shall have and recover damages from 162 D & Y Corp. d/b/a  
6 Flower Karaoke and Dong Hyun Ha, jointly and severally, in the  
7 amount of \$10,500 for the infringement of “Sal Man Jji Go,” “Ga Sik  
8 Geol” and “Bae A Pa.”

9 B. Elohim shall have and recover damages from Y & P Bayside Corp.  
10 d/b/a Happy Karaoke and Phil Sook Cho, jointly and severally, in the  
11 amount of \$10,500 for the infringement of “Sal Man Jji Go,” “Bae A  
12 Pa,” and the songs “So Cool” and “Ga Sik Geol,” the latter two songs  
13 constituting one work for the purposes of awarding statutory damages  
14 under the Copyright Act.

15 C. Elohim shall have and recover damages from Musicbox KTV, Inc.  
16 d/b/a Music Box K-TV and Anthony Kim, jointly and severally, in the  
17 amount of \$10,500 for the infringement of “Sal Man Jji Go,” “Bae A  
18 Pa,” and the songs “So Cool,” “Push Push” and “Ni Kka Jit Ge,” the  
19 latter three songs constituting one work for the purposes of awarding  
20 statutory damages under the Copyright Act.

21 D. Elohim shall have and recover damages from SS Noblesse House, Inc.  
22 d/b/a SS Noblesse House and Yinhua Huang, jointly and severally, in  
23 the amount of \$10,500 for the infringement of “Sal Man Jji Go,” “Bae  
24 A Pa” and the songs “Ga Sik Geol” and “Push, Push,” the latter two  
25 songs constituting one work for the purposes of awarding statutory  
26 damages under the Copyright Act.

1       E. Elohim shall have and recover damages from Place of Happy and  
2           Lucky d/b/a The King Karaoke in the amount of \$7,000 for the  
3           infringement of “Sal Man Jji Go,” and the songs “Push Push,” “Ni Kka  
4           Jit Ge” and “Ga Sik Geol,” the latter three songs constituting one work  
5           for the purposes of awarding damages under the Copyright Act.

6       F. Elohim shall have and recover damages from YS2 Enterprises, Inc.  
7           d/b/a CEO Business Club and Hyun Hak Yi , jointly and severally, in  
8           the amount of \$3,500 for the infringement of “Ga Sik Geol.”

9       G. Elohim shall have and recover damages from Sagwa Namoo, Inc. d/b/a  
10           Sagwa Namoo and Kyung Soon Nam, jointly and severally, in the  
11           amount of \$3,500 for the infringement of “Hot Boy.”

12      H. Elohim shall have and recover damages from Base Karaoke, Inc. d/b/a  
13           K-2 Karaoke f/k/a Base Karaoke and Dong Hun Kim, jointly and  
14           severally, in the amount of \$10,500 for the infringement of “Sal Man Jji  
15           Go,” “Bae A Pa,” and the songs “So Cool,” “Push Push” and “Ga Sik  
16           Geol,” the latter three songs constituting one work for the purposes of  
17           awarding statutory damages under the Copyright Act.

18      I. Elohim shall have and recover damages from Open Karaoke Corp. d/b/a  
19           Yulrin Karaoke a/k/a Open Karaoke and Ku Ho You, jointly and  
20           severally, in the amount of \$10,500 for the infringement of “Sal Man Jji  
21           Go,” “Bae A Pa” and the songs “Ni Kka Jit Ge” and “Ga Sik Geol,” the  
22           latter two songs constituting one work for the purposes of awarding  
23           statutory damages under the Copyright Act.

24      J. Elohim shall have and recover damages from Sing Sing Bell, Inc. d/b/a  
25           Christmas Karaoke and Jin E. An, jointly and severally, in the amount  
26           of \$10,500 for the infringement of “So Cool,” “Sal Man Jji Go” and  
27           “Bae A Pa.”

1           K. Elohim shall have and recover damages from Bizmax NY, Inc. d/b/a  
2           Wow Karaoke and Ki Beom Kim, jointly and severally, in the amount  
3           of \$10,500 for the infringement of “Sal Man Jji Go,” “Bae A Pa,” and  
4           the songs “So Cool,” “Push Push” and “Ni Kka Jit Ge,” the latter three  
5           songs constituting one work for the purposes of awarding statutory  
6           damages under the Copyright Act.

7           L. Elohim shall have and recover damages from M & S Music Studio, Inc.  
8           d/b/a Gagopa Karaoke and Hye Kyung Han, jointly and severally, in the  
9           amount of \$14,000 for the infringement of “Sal Man Jji Go,” “Bae A  
10          Pa,” “Hot Boy,” and the songs “Push Push” and “Ga Sik Geol,” the  
11          latter two songs constituting one work for the purposes of awarding  
12          statutory damages under the Copyright Act.

13          M. Elohim shall have and recover damages from Norae Hahnun JIB d/b/a  
14          Open Karaoke in the amount of \$14,000 for the infringement of “Bae A  
15          Pa,” “Hot Boy,” “Sal Man Jji Go,” and the songs “Ni Kka Jit Ge,” “Ga  
16          Sik Geol,” “So Cool,” and “Push Push,” the latter four songs  
17          constituting one work for the purposes of awarding statutory damages  
18          under the Copyright Act.

19          N. Elohim shall have and recover damages from Sweetie & VIP, Inc. d/b/a  
20          I Luv Luxury Room in the amount of \$14,000 for the infringement of  
21          “Bae A Pa,” “Hot Boy,” “Sal Man Jji Go,” and the songs “Ni Kka Jit  
22          Ge,” “Ga Sik Geol,” “So Cool,” and “Push Push,” the latter four songs  
23          constituting one work for the purposes of awarding statutory damages  
24          under the Copyright Act.

25          O. Elohim shall have and recover damages from G S Global Corp. d/b/a  
26          Red in the amount of \$14,000 for the infringement of “Bae A Pa,” “Hot  
27          Boy,” “Sal Man Jji Go,” and the songs “Ni Kka Jit Ge,” “Ga Sik Geol,”

1           “So Cool,” and “Push Push,” the latter four songs constituting one work  
 2           for the purposes of awarding statutory damages under the Copyright  
 3           Act.

4           P.       Elohim’s claims against “I Luv Luxury Room”, K. Chung, and W.  
 5           Chung were dismissed with prejudice.

6           **II. Post-Judgment Interest**

7           A.       Elohim shall have and recover post-judgment interest on the damages  
 8           referenced in section I.A. through I.O. above. Interest shall be  
 9           “calculated from the date of the entry of the judgment, at a rate equal to  
 10          the weekly average 1-year constant maturity Treasury yield, as  
 11          published by the Board of Governors of the Federal Reserve System,  
 12          for the calendar week preceding the date of the judgment.” 28 U.S.C. §  
 13          1961. Post-judgment interest shall accrue from the date the judgment is  
 14          signed until the date the judgment is satisfied.

15           **III. Attorney’s Fees and Costs**

16           A.       Subject to a 17 U.S.C. § 505 motion for an award of reasonable  
 17          attorney’s fees to the prevailing party in a copyright action, Elohim  
 18          shall have and recover from Defendants its attorney’s fees and costs in  
 19          an amount the Court deems reasonable and necessary for services  
 20          provided by its attorneys in this action.

21           **IV. Permanent Injunction**

22           A.       Defendants are enjoined from publicly performing the Disputed Works  
 23          and they are enjoined from publicly displaying their lyrics.

24           **V. Retention of Jurisdiction**

25           A.       Jurisdiction of this matter is retained for the purposes of enabling any of  
 26          the parties to this Final Judgment to make application to the Court for  
 27          such further orders and directions as may be necessary or appropriate in

1 relation to the construction of or carrying out of this Final Judgment, for  
2 the modification thereof, for the enforcement of compliance therewith,  
3 and for the punishment of violations thereof.

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5 DATED: \_\_\_\_\_

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7 P. Kevin Castel  
8 United States District Judge

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